UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI SPRINGFIELD DIVISION

Joyce (Camp) McDermot,)
Plaintiff,)
VS.) Case No. 6:17-cv-03044-MDH
CAROL DAVIS, BOTH PERSONALLY, AND IN HER OFFICIAL CAPACITY AS TANEY COUNTY PUBLIC ADMINISTRATOR,)))
Defendants.))

PLAINTIFF'S REPORT ON STATE COURT PROCEEDINGS
AND
PLAINTIFF'S POSITION ON WHETHER THE FEDERAL CASE
SHOULD CONTINUE TO BE STAYED

Pursuant to the court's order of March 27th, 2019, plaintiff Joyce McDermot makes this report concerning the state court proceedings through which plaintiff has sought to recover assets of the Hilderbrand Trust.

- State court proceedings are ongoing in the case McDermot v. Doner et
 al., Circuit Court of Lawrence County, case no. 17LW-CC000002.
- In discovery, it was determined that the Doner, Baddley and Morrill
 families received transfers of approximately \$800,000.00 in assets from the
 Barbara Hilderbrand Trust essentially, the entire trust res.
- These monies have been dispersed through a number of other trusts,
 limited liability companies, and other family members.
- McDermot v. Doner is set for a bench trial, starting on Tuesday, June 18th,
 2019. Hon. Ron Carrier of Greene County is the assigned judge.

• In McDermot v. Doner, plaintiff seeks to recover the assets of the Barbara

Hilderbrand Trust through an award of money damages, tracing and the

imposition of constructive trusts.

There is no activity in any other state court proceeding.

On the question of whether the Federal case should continue to be stayed - plaintiff

submits that it is reasonable to continue to stay the Federal case (6:17-cv-3044)

until the state case McDermot v. Doner has been tried.

The trial date is June 18th, 2019.

The resolution of the state case will help define plaintiff's rights under Missouri

law, as well as, the extent to which plaintiff has been damaged. For example, if

the bulk of the trust res is recovered via state court proceedings, this reduces

plaintiff's Federal damages claim.

For these reasons, plaintiff submits that the Federal case (6:17-cv-3044) should

continue to be stayed until Judge Carrier has entered a judgment in the

underlying case McDermot v. Doner, Circuit Court of Lawrence County, 17LW-

CC000002.

Respectfully submitted,

/s/ Timothy Davis

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

The foregoing document was served on all counsel of record this 27th day of March 2019 by filing with the CM/ECF system of the United States District Court for the Western District of Missouri, which caused an electronic copy of the document to be sent to them via email.

/s/ Timothy Davis	
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